

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

SEP 17 2015

for the

Southern District of Texas

United States of America)

v.)

Case No.)

RANGEL-Hernandez, Marcos (Mexican)
Citizen))

Year of birth: 1994)

Defendant(s)

Clerk of Court

M-15-1603-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/16/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 846 & 841 (a) (1)

Conspiracy to Possess with the Intent to
Distribute Marijuana, approximately
313.00 kilograms, a schedule I
controlled substance

This criminal complaint is based on these facts:

On September 16, 2015, at approximately 6:50 PM, US Border Patrol (USBP) Agent Jesus Davila was conducting line watch operations near La Grulla, Texas where he responded to a sensor activation south of FM 2360. Upon approaching the intersection of Lazaro Solis St. and FM 2360, USBP Agent Davila observed a white GMC pickup that appeared to be carrying a heavy load in the bed of the pickup traveling from the sensor activation area. USBP Agent Davila observed the driver to be very nervous by way of avoiding eye contact and excessively over gripping the steering wheel.

(SEE ATTACHMENT)

☒ Continued on the attached sheet.

Approved-

Robert Walker AUSA

9-17-2015

Derrick Crist

Complainant's signature

Derrick Crist, Special Agent DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/17/2015

Dorina Ramos

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, US Magistrate Judge

Printed name and title

Attachment

1. Through the rear passenger side window of the truck, USBP Agent Davila observed a blanket covering multiple large items of what at first appeared to be people. The white GMC Pickup then accelerated through the intersection and continued heading north on FM 2360.
2. USBP Agent Davila followed the vehicle short distance at which time he decided to conduct an immigration inspection traffic stop on the white GMC pickup. USBP Agent Davila activated the overhead lights on their border patrol vehicle to conduct a traffic stop on the white GMC pickup. At this time, a short vehicle pursuit ensued northbound. The driver then made an abrupt eastbound turn onto Trinidad Street. During the pursuit, USBP Agent Davila never lost sight of the vehicle. Upon reaching FM 2360, the driver turned south and then took a quick east turn onto Aurora Street where the driver immediately bailed out.
3. Moments later, the suspect who was wearing a black t-shirt and blue jeans exited the vehicle in an attempt to flee from the agents. A short foot pursuit ensued northbound over three chain link hurricane fences and through private property before the suspect was subdued by USBP Agent Davila. USBP Agent Davila identified the driver of the vehicle as Marcos RANGEL-Hernandez. RANGEL-Hernandez was placed under arrest and advised of his Miranda Rights, which he stated that he understood. RANGEL-Hernandez did not make a statement.
4. A short time later, USBP Agents searched the vehicle and observed sixty (60) bundles of suspected marijuana wrapped in brown cellophane tape in the bed of the GMC pickup. Based on the wrapping and odor of the bundles USBP agents suspected them to contain marijuana. USBP Agents processed the 60 bundles, which were found to weigh 690 lbs (313.0 kgs).
5. At approximately 11:00 PM, DEA Special Agents Derrick Crist and Joshua Garza arrived at the USBP Rio Grande City Border Patrol Station in order to question RANGEL-Hernandez regarding the 313.0 kilograms of marijuana found in his possession. At approximately 11:20 PM, SA Garza, as witnessed by SA Crist, provided RANGEL-Hernandez with a Spanish language version Form DEA-13b, in which he was advised of his Miranda Rights. RANGEL-Hernandez acknowledged to agents that he understood his rights. RANGEL-Hernandez stated that earlier today at approximately 5:00 PM, he and his brother Arturo were fishing down by the river bank in Mexico. RANGEL-Hernandez stated that he and his brother could see several unknown men loading a small boat with bundles and transporting the bundles to the United States side of the river bank. RANGEL-Hernandez stated that the unknown men then approached him and his brother and told them that they knew their older brother Victor, and that Victor had stolen a load of marijuana from them about two years ago. RANGEL-Hernandez stated that the unknown men were wearing masks on their face and that four of them had AK-47's. RANGEL

6. Hernandez stated that the unknown men asked his brother if he wanted to help transport the load of marijuana across the river to the United States. RANGEL-Hernandez stated that his brother Arturo told them no and that one of the unknown men pointed an AK-47 at him and threatened to kill him. RANGEL-Hernandez stated that he then told the men that he would help cross the load of marijuana for them.
7. RANGEL-Hernandez stated that men then put him into small boat along with an unknown male who was operating the boat and eleven (11) bundles of marijuana and he was transported across into the United States. RANGEL-Hernandez stated that his brother stayed in Mexico with the unknown men. RANGEL-Hernandez stated that once he arrived onto the United States river bank, there was another three (3) unknown men waiting there and he observed that all three men had piston on their side.
8. RANGEL-Hernandez stated that one of them identified himself as "LA RATA" and told him to get inside a white colored 2-door Chevy pickup truck that was already loaded with bundles of marijuana and parked on the side of the United States river bank. RANGEL-Hernandez stated that "LA RATA" then provided him with his telephone number and told him to drive the pickup truck to the AZIZ Corner Store located in La Grulla, Texas, and park the truck in the parking lot and leave the keys in the gas tank and to call him when he arrived. RANGEL-Hernandez stated that "LA RATA" then instructed him to walk inside the corner store and wait for someone to pick up the truck and then someone was going to be sent to pick him up.
9. RANGEL-Hernandez stated that he then drove the truck north from the river bank and was stopped by the United States Border Patrol shortly after. RANGEL-Hernandez stated that when he was stopped by Border Patrol, he ran because he was nervous and scared. RANGEL-Hernandez stated that he was aware that he was transporting a load of marijuana and he was not paid any money for doing so. RANGEL-Hernandez stated that this is the first time that he has ever transported marijuana.